

**THE STATE OF MONTANA**

No.

## AFFIDAVIT OF PROBABLE CAUSE

COMES NOW Anthony Hutchings, and being first duly sworn upon oath, deposes and says:

- On February 26, 2012, I was working the day-shift. At approximately 1707 hours I was dispatched to a reported stabbing that had just occurred in front of the Jackpot Casino, 1801 W. Main Street. Dispatch advised that a male had just been reportedly stabbed in front of the business.

I arrived on scene and met with the Victim. I observed a large amount of blood on the Victim's left hand and the left side of his face. The Victim also had his two children with him, K.I. and D.I. Both children appeared visibly upset and crying. The Victim appeared to be out of breath due to his heavy breathing. I began to ask the Victim details regarding the assault so I could update additional responding units. The Victim detailed the following information throughout our following conversation. The Victim stated that he had left McDonald's with his mother and his children. The Victim stated that he observed his cousin and her husband walking on W. Main Street. The Victim's cousin was identified as J.F. and her husband as Michael Ford, hereafter referred to as Defendant. The Victim stated that after dropping his mother off at her residence he saw an acquaintance of his and stopped to talk to him. The acquaintance told the Victim that he had heard that the Defendant

and J.F. had been inquiring recently about obtaining drugs. The Victim stated that he became upset due to the Defendant and J.F. living with him and not paying rent. The Victim stated he turned around with the intent of finding the Defendant and Victim to talk about paying rent. The Victim located both subjects in front of the above location, parked, and made contact with him. The Victim stated that he began to question J.F. regarding what he was told by his acquaintance and asked about rent payment. The Victim stated that their conversation began to escalate into an argument. During the argument the Defendant pulled out a small pocket knife, extended the blade, and made a statement towards the Victim to the effect of you kicked my "ass" last time we'll see what happens now. The Victim stated that the Defendant was referring to a physical altercation between them that had occurred a week prior. The Victim stated that he became threatened by the Defendant and concerned for the safety his children, K.I. and D.I., who were still in his vehicle. The Victim stated that he attempted to disarm the Defendant after the Defendant made an upwards stabbing motion towards him. The Victim stated that during the ensuing struggle the Defendant stabbed him in the left middle finger. The Victim stated that the struggle went to the ground and that he eventually removed the knife from the Defendants possession. The Victim stated that they separated and the Defendant began to run away. The Victim stated that J.F. ran after the Defendant shortly thereafter.

I heard by radio transmission that Officer Francioni had located the Defendant and J.F. near the 1700 block of W. Beall. Officer Francioni made contact with both parties, identifying himself as a police officer, and advised them to show him their hands. The Defendant raised his hands in the air then turned around and ran away from Officer Francioni. Officer Francioni called over the radio that he was in a foot pursuit with both subjects. Officer Francioni was able to catch both subjects and place them into custody.

After the Victim was evaluated by paramedics he was transported to Bozeman Deaconess Hospital by his wife. I followed the Victim to Bozeman Deaconess Hospital to conduct a follow up interview and an interview with the Defendant.

I met with the Defendant after his initial examination by nursing staff. I observed abrasions on both of the Defendant's hands consistent with the Victim's earlier statement regarding their struggle for the knife. I conducted an interview with the Defendant reading him his rights per **MIRANDA**. The Defendant understood his rights and agreed to speak to me. I asked the Defendant to explain what had occurred between the Victim and himself. The Defendant stated that while walking with J.F. they were confronted by the Victim. The Defendant stated that the Victim began to demand prescription medication from him. The Defendant stated that an argument ensued. The Defendant stated that the Victim told him that he would kill him. The Defendant repeatedly stated that he felt threatened by the Victim and felt the need to defend himself. The Defendant would not explain what he met by this statement. I asked the Defendant why he had run away from Officer Francioni when stopped on foot. The Defendant claimed that he did not know Officer Francioni was a police officer and felt threatened by him. The Defendant further stated that he thought Officer Francioni had a firearm pointed at him. Officer Francioni stated that he clearly announced to the Defendant and J.F. that he was a police officer. Officer Francioni stated that he never displayed his duty firearm towards the Defendant and that it had remained holstered. The Defendant would not further elaborate what had occurred during the assault and requested an attorney before giving any further statements. I concluded my interview with the Defendant at this point.

I am aware that Sgt. Klumb conducted an interview with J.F. regarding the assault. J.F. stated to Sgt. Klumb that she did not remember the Victim telling the Defendant that he would kill him. J.F. stated that the argument began when the Victim discussed rent with her and the Defendant.

J.F. did not give any details regarding the knife being involved in the resulting altercation.

Based on the totality of the investigation the Defendant was found to have committed the above offenses. After the Defendant was medically cleared by Bozeman Deaconess Hospital he was transported to the Gallatin County Detention Center and held on bond.

Dated this 26<sup>th</sup> Day of February, 2012.

\_\_\_\_\_  
Signature of Affiant (Officer Anthony L. Hutchings)

**SUBSCRIBED AND SWORN THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.**

\_\_\_\_\_  
**(Printed Name of Notary Public)**

\_\_\_\_\_  
**NOTARY PUBLIC FOR MONTANA**

**Residing at \_\_\_\_\_, MT.**

**My Commission expires \_\_\_\_\_**